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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 January 1991]

The situation of human rights in El Salvador

1. The Human Rights Commission of El Salvador (non-governmental), a member of our Federation, reports that the human rights situation in El Salvador over the past decade has left a long list of enforced disappearances, cases of torture, extra-judicial executions and other occurrences displaying a total disregard for human life and dignity. Such deeds are unfortunately still commonplace in El Salvador. The blame for these occurrences lies chiefly with military and paramilitary elements of the Salvadorian armed forces. Over 10 years of war, human rights violations have been rife, and while the guerrilla forces bear their share of responsibility, the leading player in the current lawlessness is still the army.

2. The number of violations of the life and security of individuals has not changed substantially over the last five years, and 1990 was no exception. The previous year witnessed the repercussions of a large-scale military expansion by the Frente Farabundo Martí para la Liberación Nacional (FMLN), essentially reflected in the imposition of a state of exception during the first quarter of 1990. On 26 July, both sides signed an agreement on respect for human rights whose central element is respect for the authority of the United Nations, which is responsible for enforcing the agreement through a verification commission in El Salvador. The immediate establishment of the commission was one of the most pressing demands made by the various sectors of Salvadorian society.

3. Despite the San José Agreement, there has been no perceptible improvement in respect for human rights despite its being officially put forward as one of the greatest achievements of the present administration. The truth is that human rights (or their systematic violation) is the weakest point of the Government of the Alianza Repúblicana Nacionalista, mainly because of the impunity enjoyed by the Salvadorian armed forces.

4. The judicial system is helpless to deal with cases of unlawful conduct by members of the military, even when they are brought to the attention of the public. Members of the legal profession who publicly challenge the judicial shortcomings of the State are punished, having their right to practise law suspended or restricted. High-ranking military leaders and sources controlled by the armed forces routinely deny complaints of human rights violations rather than setting them right, and practise disinformation, distorting the facts. Anyone who casts doubt on the administration or the military hierarchy is described as an accomplice of FMLN, and on the strength of that accusation is libelled and persecuted, or in more serious cases threatened, captured, tortured, disappears or is murdered, especially in rural areas. Applications for habeas corpus are left unresolved; if they are successful they provide no guarantee, in view of the disregard for the law shown by elements of the army.

5. Likewise, the Government is carrying out a huge campaign against such incidents but the information is usually distorted. Civilians who are wounded or killed by explosive devices which it is impossible to attribute to a specific group, or even when the army is responsible, are shown in Government campaigns as blaming FMLN. In addition, civilians murdered by members of the military are described in the media as guerrillas killed in combat or crossfire.

6. Nor is international humanitarian law on the protection of either the civilian population or combatants observed in El Salvador. An attack on the installations of the Joint Armed Forces General Staff in El Salvador, for which FMLN assumed responsibility, caused the death of two minors. Intensive bombardment has caused serious damage to private property and in some cases has left people wounded or killed. One of the most recent incidents, was the bombardment of a group of peasants by the air force in Usulután, in which two peasants were killed. Members of the "Segundo Montes" community of returnees in Morazán have complained that on 14 January 1991, soldiers from the No. 4 military detachment used tear-gas grenades and a white toxic powder on a gathering protesting against the illegal capture of three community members accused of "conspiracy to subvert". In the incident a large number of people, including young children, were poisoned.

7. As far as respect for the life and physical integrity of those directly involved in the conflict is concerned, the murder of two United States military personnel by FMLN on 2 January is one of the most notorious incidents. The guerrillas accept responsibility for the murder, and have stated that international humanitarian law assigns responsibility for bringing the culprits to justice to the party to which they belong. Direct United Nations involvement in this case is imminent.

8. In another incident, a Spanish woman, Begoña García de Arandigoyen, was murdered on 10 September 1990. According to official accounts, she was killed in fighting between FMLN and the second infantry brigade. FMLN reported that the second infantry brigade had attacked one of its forces' medical posts in Santa Ana Department and that the Spanish doctor, wounded in the fighting, was later captured and killed by the army. According to the report produced in November by a Spanish doctor, Carlos Martin Beristain, the facts "confirm the lack of veracity of the official story put out by the Salvadorian army and indicate that Begoña García de Arandigoyan was first wounded and then murdered or finished off by two shots fired at close range into the suprasternal region and the back of the neck".

9. At the present time, an end to the war depends on the political will and honesty of the main parties to the negotiations. For all sectors of society in El Salvador, United Nations involvement is a guarantee of the continuity, trustworthiness and expeditiousness of the process.

10. Alongside the negotiating process, the still alarming human rights situation in El Salvador means that the United Nations needs to continue to operate some kind of monitoring machinery. Accordingly, the International Federation of Human Rights calls on the United Nations Commission on Human Rights to renew the mandate of the Special Representative on the situation of human rights in El Salvador.